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REMARKS

Claims 1 and 4 are rejected, under 35 U.S.C. § 102(e), as being anticipated by Kikuchi '327. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(e), the applied reference must disclose each and every feature of the presently claimed invention. Contrary to the presently claimed invention Kikuchi '327 discloses a paper palette upon which an artist mixes paints or pigments for producing a work of art such as a painting or other such artistic rendering, or for arranging the point of a brush. The Kikuchi '327 palette provides a grey scale comparison between a substantially black portion and a substantially white portion upon which the artist may mix his or her paints for assistance in determining the value, or grey scale value of the mixed paints. This is completely different from a color book or a color card of the present invention. The color book or color card of the present invention includes at least three color samples, and a basic color is designed to occupy the largest space of all.

In accordance with the allowance of claim 2, claim 1 has been amended to more clearly recite the specific feature where the basic, i.e., lightest color tone in the color samples is positioned *between* the remaining color samples. Claim 1 now specifically recites that, "a light color sample expressing the lightest color in the color samples occupies a larger space than the color samples expressing the other colors and is positioned on the color card *between* the other color samples." Observing the Kikuchi '327 reference, we note two adjoining different tones are shown in the Figures, a whitish tone 4 and a blackish tone 5. Arguably it is disclosed at column 3, line 40 that a further grey tone may be utilized as a neutral tone between the whitish tone and blackish tone. At least this feature of Kikuchi '327's disclosure is specifically opposite from the presently claimed Invention which positions the lightest tone color sample between the neutral tone color sample and the deep color sample.

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The Applicant notes that the positioning of the lightest color sample between the deep color sample and the neutral color sample is important as recited in the Applicant's specification at least at paragraph 0083 which states that

The arrangement of the color samples is not limited to the one shown in Fig. 1, an arrangement is shown in Fig. 2 is also possible, as long as the light color sample 12 is arranged in the middle part. In this manner comparison between the light color sample and the other colored samples may be performed simply allowing the user to easily select a color which matches the image.

Furthermore, as disclosed in the Applicant's specification at paragraphs 0018 and 0019,

It is preferable that a deep color sample expressing the deepest color is arranged on one side of the light colored sample, and a neutral color sample expressing a neutral color which stands between the light color sample and the deep color sample on the other side thereof, in the aforementioned color card.

Such a color card provides a simple manner of comparison between the light color sample and the other color samples, and makes it easy for the user to select a color which matches an image.

Thus, it is the Applicant's position that the cited reference does not disclose the feature of the presently claimed invention which places the basic or lightest color sample between the other color samples. In view of the above amendments and remarks, the Applicant believes that claim 1 now overcomes the anticipation rejection under 35 U.S.C. § 102 and as claims 2 and 4-6 are directly or indirectly dependent thereon, the Applicant believes these claims to be allowable as well.

The Applicant thanks the Examiner for indicating that claim 3 is allowable and that claim 2 would be allowable if rewritten to incorporate the subject matter and limitations of the base claims and any intervening claims in particular, claim 1. As the Applicant believes claim 1 is allowable in view of the above amendments and remarks, such action is not believed

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necessary. Claim 7 has been amended in according with the same or similar recitations of claim 1 thus for the same reasons as set forth above is also believed to be allowable.

Claims 5-13 are rejected, under 35 U.S.C. § 103, as being unpatentable over Kikuchi '372 in view of Spangler '123. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks. As claims 5-6 and 8-13 are directly or indirectly dependent upon claims 1 or 7 which are believed allowable in view of the above amendments and remarks, these claims are believed allowable as well and thus no further discussion is believed necessary. If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Kikuchi '372 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised anticipation and obviousness rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

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The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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